

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

-----	x	
HEDSTROM CORPORATION,)	
)	
Plaintiff)	
)	Docket No: 03 12308 PBS
- v -)	
)	
JUMPSPORT, INC.,)	
)	
Defendant.)	
-----	x	

DEFENDANT JUMPSPORT, INC.'S MOTION TO DISMISS PURSUANT TO
F.R.C.P. 12(b)(2), 12(b)(3), 28 U.S.C. § 1406(a) AND 28 U.S.C. § 2201,
OR TO TRANSFER PURSUANT TO 28 U.S.C. § 1404(a)

Pursuant to Rules 12(b)(2) and 12(b)(3) of the Federal Rules of Civil Procedure, and 28 U.S.C. § 1406(a) (re venue) and 28 U.S.C. § 2201 (the Federal Declaratory Judgment Act), Defendant JumpSport, Inc. ("JumpSport") hereby moves to dismiss the Complaint in this action for lack of personal jurisdiction over JumpSport, improper venue, and improper use of the Declaratory Judgment Act. In the alternative, in the event the Court does not dismiss the Complaint or find that venue is improper, JumpSport moves to transfer the case to the United States District Court for the Northern District of California, for the convenience of the parties and witnesses and in the interest of justice, pursuant to 28 U.S.C. § 1404(a). The grounds for this motion are set forth in the accompanying memorandum of reasons and law.

LOCAL RULE 7.1(a)(2) CERTIFICATION

Counsel for JumpSport hereby certify that they have conferred with plaintiff's counsel and have attempted in good faith to resolve or narrow the issues raised in this motion. No issues raised in this motion have been resolved or narrowed.

Dated: February 26, 2004

Respectfully submitted,

JUMPSPORT, INC.

By its attorneys,

/s/ Gregg Shapiro

Gregg Shapiro (BBO #642069)
CHOATE HALL & STEWART
Exchange Place
Boston, MA 02109-2891
(617) 248-5000

LEGAL STRATEGIES GROUP
Peter H. Goldsmith
Christine Amatruda
5905 Christie Ave.
Emeryville, CA 94608
(510) 450-9600

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